

Amendment No. 2 to HB1727

Sargent
Signature of Sponsor

AMEND Senate Bill No. 1496*

House Bill No. 1727

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 29-17-1005, is amended by deleting the section and substituting instead the following:

(a) In any case in which a local government exercises the power of eminent domain under this chapter, chapter 16 of this title, or any other law, and the local government determines the property condemned or taken by eminent domain is not used for the purpose or purposes for which it was condemned or for some other authorized public use, or if the local government subsequently decides to sell it within ten (10) years of being condemned or taken, the property shall be first offered for sale to the former property owner or owners from whom the property was condemned or taken.

(b) An agreement to purchase the property for the lesser of the following must be signed by the former property owner or owners within thirty (30) days of receipt of the offer:

(1) The price paid to the former property owner or owners by the local government at the time the local government acquired the property through eminent domain, plus the appraised fair market value of any improvements made to the property after condemnation and an amount equal to the average amount of interest that would have accrued on the amount paid to the former property owner or owners if held in U.S. treasury bonds; or

(2) An amount representing not less than the fair market value of the property as of the date of the purchase agreement.

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(c) If the property is not purchased by the former property owner or owners within thirty (30) days or if no former property owner can be found following a good faith effort by the local government to do so, the property shall be offered for sale in any commercially reasonable manner to the general public for an amount not less than the fair market value, together with costs.

(d)

(1) In any case in which a local government exercises the power of eminent domain under this chapter, chapter 16 of this title, or any other law, for a public use, a former property owner may request from the local government a statement of intent for public use no more than once every twenty-four (24) months following the date of the condemnation.

(2) The statement of intent for public use must state the public use for which the local government intends to use the property and a description of the intended plan for any improvements to the property.

(3) Notwithstanding subdivision (d)(1), if the local government publicly discloses its decision to not use the property for a public use, then a former property owner may immediately request from the local government a new statement of intent for public use.

(e) Rights granted to a former property owner under this section do not transfer to the former property owner's heirs or transfer to any other party.

(f) This section does not apply if compliance is prohibited by federal law.

(g) As used in this section, "local government" means any incorporated city or town, county, or metropolitan government.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.